

AMENDED IN ASSEMBLY MAY 16, 2012

AMENDED IN ASSEMBLY MAY 2, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2621

Introduced by Assembly Member Hueso

February 24, 2012

An act to add Section 38092.5 to the Education Code, relating to education finance.

LEGISLATIVE COUNSEL’S DIGEST

AB 2621, as amended, Hueso. Education finance: school cafeterias: cafeteria fund: *Grossmont Union High School District: Sweetwater Union High School District.*

Existing law authorizes the governing board of any school district to establish cafeterias in the schools under its jurisdiction, and authorizes the money received for the sale of food or for any services performed by the cafeterias to be paid into the county treasury to the credit of the “cafeteria fund” of the particular school district. Existing law requires the cafeteria fund to be used only for those expenditures authorized by the governing board of the school district as necessary for the operation of school cafeterias, including, but not limited to, expenditures for the lease or purchase of additional cafeteria equipment for the central food processing plant, vending machines and their installation and housing, and computer equipment and related software.

Existing law authorizes the governing board of any school district with an average daily attendance of over 100,000 to allow as an expenditure from the cafeteria fund or account a share of money agreed

upon pursuant to a contract, which is generated from the joint sale of items between the cafeteria and an associated student body student store.

Existing law authorizes the governing board of any school district to establish an account for each cafeteria established in a school of the school district, or for all cafeterias established in the schools of the school district, in one or more banks, and requires all receipts of the cafeteria, or cafeterias, as the case may be, derived from the sale of food to be deposited in the account and only expended for specified purposes.

This bill, notwithstanding the ~~provisions~~ *provision* referenced above *relating to school districts with an average daily attendance of over 100,000*, would authorize the Grossmont Union High School District and the Sweetwater Union High School District to allow as an expenditure from their respective cafeteria funds or accounts a portion of any funds that accrue from the joint sale of items involving a school cafeteria and an associated student body student store ~~that is as~~ determined pursuant to an agreement entered into between the school cafeteria and the associated student body organization of that school. The bill would require this agreement to meet specified requirements.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Grossmont Union High School District and the Sweetwater Union High School District.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 38092.5 is added to the Education Code,
- 2 to read:
- 3 38092.5. Notwithstanding Section 38092 ~~or any other~~ *and to*
- 4 *the extent permitted by federal law:*
- 5 (a) The Grossmont Union High School District and the
- 6 Sweetwater Union High School District may allow as an
- 7 expenditure from their respective cafeteria funds or accounts a
- 8 portion of any funds that accrue from the joint sale of items
- 9 involving a school cafeteria and an associated student body student
- 10 store ~~that is as~~ determined pursuant to an agreement entered into
- 11 between the school cafeteria and the associated student body
- 12 organization of that school.

1 (b) The agreement referenced in subdivision (a) shall meet all
2 of the following requirements:

3 (1) The term of the agreement shall be for a period not to exceed
4 five years.

5 (2) The agreement shall be effective only if the school district
6 has obtained the prior written approval of the agreement from the
7 exclusive employee representative of the classified employees *of*
8 *that school district who are* in food service or cafeteria positions.

9 (3) The participation of pupils, either as employees or volunteers
10 under the agreement, shall not result in the displacement of any
11 classified employees, in a failure to fill new classified positions,
12 or in a failure to fill vacancies that may occur in existing classified
13 positions. As used in this paragraph, “displacement” includes, but
14 is not necessarily limited to, layoff, demotion, reduction in work
15 hours or work year, or transfer to another classification or site.

16 SEC. 2. The Legislature finds and declares that a special law
17 is necessary and that a general law cannot be made applicable
18 within the meaning of Section 16 of Article IV of the California
19 Constitution because of the unique administrative circumstances
20 of the Grossmont Union High School District and the Sweetwater
21 Union High School District.